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OCT 26 2006

Appl. No.: 10/604,934
Amdt. Dated: 10/26/2006
Reply to Office action of: 08/15/2006

AMENDMENTS TO THE DRAWINGS:

The attached sheet(s) of drawings includes changes to Figure 1. This sheet, which includes Figures 1 and 2, replaces the original sheet including Figures 1 and 2, previously omitted elements 5, 6, 7 have been added.

Attachment: Replacement Sheet(s)
Annotated Sheet(s) Showing Changes

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REMARKS/ARGUMENTS

In the specification, the paragraphs [0026] and [0027] have been amended to correct minor editorial problems and to identify previously shown features of the claimed invention.

In amended Figure 1, the previously omitted elements numerals 5, 6, and 7 have been added.

Claims 1 – 11 remain in this application. Claims 1 and 5 have been amended to correct minor typographical errors and to more precisely define the claimed invention. New claim 11 has been added to claim the same embodiment for Claim 1 as Claim 6 does for Claim 5.

No new matter has been introduced by these amendments to the specification, drawings, and claims.

In view of the examiner's earlier restriction requirement, Applicant retains the right to present originally filed claims 11 – 20 in a divisional application.

The Examiner has objected to the drawings under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. Specifically, the Examiner states:

Therefore, the "one end" and "the other end" recited in claims 1 and 5 must be shown and the "L-shape" of claim 6 or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicant respectfully traverses this objection. In light of the amendments to the drawings to identify clearly all elements of Applicant's claimed invention this objection is now moot and Applicant respectfully requests this objection be removed.

Claims 1, 4, 5, 6, 9, and 10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states:

Re claim 4 the recitation "suitable to prevent undesired non-longitudinal axis movement of said drive nut device" is unclear. What is "suitable?"

Re claim 10 the recitation "suitable to prevent undesired non-longitudinal axis movement of said drive nut device" is unclear. What is "suitable?"

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Re claims 1 and 5 the recitation "a desired shape" is unclear. What does "a desired shape? Mean?

Re claim 6 the recitation "has a generally L-shape" is unclear. Does it have an L shape or not?

Re claim 9 the recitation "substantially" is unclear. Is the angle a right angle or not?

Applicant respectfully traverses this rejection. By this amendment the words "desired" and "suitable" have been removed and the claims now clearly read on "predetermined" only. The Applicant also points out that the term "predetermined" as used by Applicant is well known and understood in the art as can be seen by its use in related art reference US 5,467,957 issued November 21, 1995 to Gauger and cited by the Applicant in his IDS. Likewise, the term "generally" as used by Applicant is well known and understood in the art as can be seen by its use in related art reference US 5,172,601 issued December 22, 1992 to Siegrist et al. and cited by the Applicant in his IDS. Further, the term "substantially" as used by Applicant is well known and understood in the art as can be seen by its use in related art references US 5,595,363 issued January 21, 1997 to De Leebeeck and cited by the Examiner as prior art, US 5,769,377 issued June 23, 1998 to Gauger, US 5,797,574 issued August 25, 1998 to Brooks et al. and US Appl. No. 2003/0106978 published June 12, 2003 to Garrido all cited in Applicant's IDS. The generally L-shape of the claimed invention is clearly shown in Figure 1. To further show this the outline 7 of the device has been added which clearly is in the general shape of the letter L. In view of this amendment to claims 1, 4, 5, and 10 and the showing of prior art understanding of the terms "predetermined", "generally", and "substantially" this rejection is now moot and Applicant asks that it be removed.

Claims 1 – 5 and 7 – 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Burmeister USP 4867717. Specifically, the Examiner states:

Re claims 1 – 2 Burmeister discloses a(n):

- Drive nut body (62) having two ends (73,71)
- One end having a bore (71)
- Other end having a drive nut (73) said drive nut having a threaded bore
- Drive nut device comprised of sheet steel (Column 5, lines 29 – 34)

Applicant respectfully traverses these rejections. The key to Applicant's invention is a drive nut device constructed as a single piece having a first end with a seat movement member mounting bore located there in and a second end having a threaded drive nut

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formed as an integral part of said single piece drive nut device such that said single piece device is operatively a part of a seat movement unit. Said single piece drive nut device providing a complete device produced as a single piece without need of attaching separate parts such as a threaded bore drive nut.

A fair reading of the Burmeister (US 4,867,717) reference discloses, relating to the pertinent portion of the invention recited by the Examiner, a generally U-shaped sheet metal link for fixedly connecting the ends of two separate shafts being in different axis's. Specifically, the reference's number 62 seen in Figure 4 is defined as being a connecting link 62, part of a connecting or linkage assembly 45 (see Col. 4, lines 23 – 24). Said link 62 further defined as having a first side portion 63 having first 65 and second 67 spaced apertures and a second link side portion 69 extending in spaced parallel relation to the first link side portion 63 and including first 71 and second 73 spaced apertures in alignment with the first 65 and second 67 spaced aperture of the first link side portion 63 (see Col. 4, lines 24 – 29). Thus, clearly link 62 is not a drive nut body and items 71 and 73 are not "two ends" as asserted by the Examiner. Furthermore, apertures 65 and 71 are D-shaped to receive a D-shaped shaft end 51 of rotating member 53 such that the link 62 must rotate as a unit with said rotating member 53 (see Col. 4, lines 33 – 37). The aperture 73 being threaded does create a drive nut as the bolt 89 which is threaded into it is not a lead screw but in fact is used in normal bolt use fashion to hold the bored end of a shaft or rod in locked position between side portions of said link 62 (see Col. 4, line 48 – Col 4, line 28). Contrary to the Examiner's arguments a link to connect two rods in fixed relationship does not disclose, teach, or fairly suggest how to provide a one piece drive nut device. While this reference does teach the use of sheet metal to make the link 62 of the reference this is not enough to provide one skilled in the appropriate art how to create a single piece drive nut device.

Contrary to the Examiner's arguments there is nothing in the Burmeister (US 4,867,717) reference which discloses, teaches or suggests to one skilled in the art how to modify the reference to provide for a one piece drive nut device having a drive nut incorporated as an integral part of the device, to arrive at Applicant's claimed invention. Thus, there is no way one skilled in the art can arrive at Applicant's claimed invention from the Burmeister (US 4,867,717) reference without first having read Applicant's application.

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Clearly, when viewed in this light the Burmeister (US 4,867,717) reference does not disclose, teach, or suggest the use of a drive nut device constructed as a single piece having a first end with a seat movement member mounting bore located there in and a second end having a threaded drive nut formed as an integral part of said single piece drive nut device such that said single piece device is operatively a part of a seat movement unit.

Claims 1 – 5 and 7 – 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Adler USP 4648597. Specifically, the Examiner states:

Adler discloses a(n):

- Drive nut body (36) having two ends (46,42)
- One end having a bore (42)
- Other end having a drive nut (46) said drive nut having a threaded bore
- Drive nut device comprised of sheet steel (column 3, lines 17 – 19)

Applicant respectfully traverses these rejections. The key to Applicant's invention, as mentioned above, is a drive nut device constructed as a single piece having a first end with a seat movement member mounting bore located there in and a second end having a threaded drive nut formed as an integral part of said single piece drive nut device such that said single piece device is operatively a part of a seat movement unit. Said single piece drive nut device providing a complete device produced as a single piece without need of attaching separate parts such as a threaded bore drive nut.

A fair reading of the Adler (US 4,648,597) reference discloses a bicycle support device for clamping the frame of a bicycle onto said support device. The part 36 is a bracket having a square body to fit over a square vertical member 26 and has two rearwardly extending side limbs 40. A roller 44 is mounted on a roller shaft 42. A separate and separately formed threaded nut 46 is welded to the part 36 to provide for the use of a locking screw member 48 to lock the part 36 in a desired position on vertical member 26 (see Col. 3, lines 17 – 28). Thus, contrary to the Examiners arguments, part 46 is not a drive nut, but even if it were, it is separately formed and must be welded to the bracket 36, a bracket that is not a drive nut assembly but instead a bracket onto which is mounted a roller. Item 42 is not an "end" or a "bore" as claimed by the Examiner but in fact a shaft (see Col. 3, line 20). Thus, at best the Adler reference discloses and teaches a bracket made of sheet steel to which a separately formed threaded nut must be welded.

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This is exactly what this application's claimed invention overcomes the need to separately form and fixedly attach to a drive nut device body.

Contrary to the Examiner's arguments there is nothing in the Adler (US 4,648,597) reference which discloses, teaches or suggests to one skilled in the art how to modify the reference to provide for a one piece drive nut device having a drive nut incorporated as an integral part of the device, to arrive at Applicant's claimed invention. Thus, there is no way one skilled in the art can arrive at Applicant's claimed invention from the Adler (US 4,648,597) reference without first having read Applicant's application.

Clearly, when viewed in this light the Adler (US 4,648,597) reference does not disclose, teach, or suggest the use of a drive nut device constructed as a single piece having a first end with a seat movement member mounting bore located there in and a second end having a threaded drive nut formed as an integral part of said single piece drive nut device such that said single piece device is operatively a part of a seat movement unit.

Claims 1, 4 – 6, and 9 – 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Eaton USP 2864431. Specifically, the Examiner states:

Re claims 1 and 5 Eaton discloses (See Figure 1) a(n):

- Drive nut body (23) having two ends (23,19)
- One end having a bore (36)
- Other end having a drive nut (23), said drive nut having a threaded bore

Re claim 4, as best understood, the drive nut has a longitudinal length suitable to prevent undesired non-longitudinal axis movement of said drive nut device (Column 2, lines 12 – 27)

Re claim 6, as best understood, the drive nut body has a generally L-shape (See Figure 3).

Re claim 9, as best understood, the drive nut longitudinal axis is substantially at a right angle to said bore for mounting to seat vertical movement member (See Figure 3).

Re claim 10, as best understood, the drive nut has a longitudinal length suitable to prevent undesired non-longitudinal axis movement of said vertical drive nut device (Column 2, lines 12 – 27).

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Applicant respectfully traverses these rejections. The key to Applicant's invention, as mentioned above, is a drive nut device constructed as a single piece having a first end with a seat movement member mounting bore located there in and a second end having a threaded drive nut formed as an integral part of said single piece drive nut device such that said single piece device is operatively a part of a seat movement unit. Said single piece drive nut device providing a complete device produced as a single piece without need of attaching separate parts such as a threaded bore drive nut.

A fair reading of the Eaton (US 2,864,431) reference discloses a seat mounting apparatus that has both a horizontal movement assembly and a separate vertical movement assembly. Further, the seat mounting assembly is not generally L-shaped but in fact generally U-shaped (see for example, Figure 2, no. 19) and requires in addition a traverse bar (Figure 2, no. 20) that from a front view is generally T-shaped (Figure 3) or from a top view makes the generally U-shaped 19 look generally A-shaped (Figure 2). Further the threaded boss 23 may be considered a drive nut but it is located at the end of bearing post 21 which terminates in traverse bar 20 and at best would be a generally T-shaped device (see for example, Col. 2, lines 13 – 18). Contrary to the Examiner's arguments item 36 is not a "bore" and is not connected to the bearing post 21 or the traverse bar 21 but in fact is one of a pair of end studs located at the ends of the legs of the generally U-shaped frame 19 (see for example, Col. 2, lines 29 – 34). The teaching of Col. 2, lines 13 – 27 does not address non-longitudinal axis movement at all but instead teaches the use of a thrust bearing (27 & 28) on each end of the threaded screw to prevent the displacement of the threaded screw out of the internally threaded boss(drive nut)(23) without any disclosure, teaching, or suggestion regarding non-longitudinal movement of the threaded screw or the drive nut. Further, contrary to the Examiner's arguments this reference does not address vertical movement of the seat through the use of a one piece device having an integral drive nut because it teaches separate assemblies using separate types of devices for longitudinal and vertical movement of the seat. Thus, the Eaton reference teaches directly away from the application claimed invention. Finally, there is no where to be found the required impetus to suggest to one skilled in the art how to modify the multiple components of Eaton to arrive at the single component of Applicant.

Contrary to the Examiner's arguments there is nothing in the Eaton (US 2,864,431) reference which discloses, teaches or suggests to one skilled in the art how to

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modify the reference to provide for a one piece drive nut device having a drive nut incorporated as an integral part of the device, to arrive at Applicant's claimed invention. Thus, there is no way one skilled in the art can arrive at Applicant's claimed invention from the Eaton (US 2,864,431) reference without first having read Applicant's application.

Clearly, when viewed in this light the Eaton (US 2,864,431) reference does not disclose, teach, or suggest the use of a drive nut device constructed as a single piece having a first end with a seat movement member mounting bore located there in and a second end having a threaded drive nut formed as an integral part of said single piece drive nut device such that said single piece device is operatively a part of a seat movement unit.

Claims 1 – 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Leebeeck USP 5595363. Specifically, the Examiner states:

Re claims 1 – 10 Leebeeck discloses a(n):

- Drive nut body (12)
- One end having a bore (42)
- Other end having a drive nut (17), said drive nut (17) having a threaded bore (21)
- Sheet steel (Column 4, lines 16 – 19).

Applicant respectfully traverses these rejections. The key to Applicant's invention, as mentioned above, is a drive nut device constructed as a single piece having a first end with a seat movement member mounting bore located there in and a second end having a threaded drive nut formed as an integral part of said single piece drive nut device such that said single piece device is operatively a part of a seat movement unit. Said single piece drive nut device providing a complete device produced as a single piece without need of attaching separate parts such as a threaded bore drive nut.

A fair reading of the Leebeeck (US 5,595,363) reference discloses a plastic pipe support for fixedly and rigidly attaching plastic pipe to construction beams. The device of the Leebeeck reference is designed to prevent movement of the pipe in relation to the beam it is mounted to. In this regard, the device 12 is a bracket that comprises one half of a pair of brackets which are used to hold the plastic pipe. While portions 16 and 14 form a generally L-shaped portion they are described as part of a U-shaped bracket (see for example, Col. 2, lines 63 – 66), the continuing portions 19 and 17 form a generally

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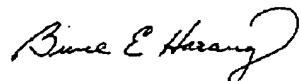
U-shaped continuation of the bracket (see for example, Figure 6). There is nothing in the reference to suggest to one skilled in the art to remove portions 16 and 14 to create a something which resembles the claimed invention of the application. Nor does the use of a lower plate 17 (Col. 2, lines 65 – 66). The part 21 is an optional set screw not a threaded bore as argued by the Examiner (see for example, Col. 3, lines 7 – 8). And contrary to the Examiner's arguments the item 17 is not a drive nut but instead disclosed to be a plate forming one leg of a U-shaped bracket that has a threaded bore to mount an optional set screw (21) (see for example, Col. 3, lines 8 – 10). Furthermore, there is no contemplation of longitudinal movement of the bracket assembly or the pipe it holds (see for example, Col. 3, lines 19 – 26). Instead, it teaches that the bracket holding screws can be loosened to remove the bracket from an I-beam or tightened to lock it to an I-beam. The fact that this device is made of sheet metal without more does not make the claimed invention disclosed, taught, or fairly suggested by this reference. Clearly, when viewed in this light the Leebeeck (US 5,595,363) reference does not disclose, teach, or suggest the use of a drive nut device constructed as a single piece having a first end with a seat movement member mounting bore located there in and a second end having a threaded drive nut formed as an integral part of said single piece drive nut device such that said single piece device is operatively a part of a seat movement unit.

Contrary to the Examiner's arguments there is nothing in the Leebeeck (US 5,595,363) reference which discloses, teaches or suggests to one skilled in the art how to modify the reference to provide for a one piece drive nut device having a drive nut incorporated as an integral part of the device, to arrive at Applicant's claimed invention. Thus, there is no way one skilled in the art can arrive at Applicant's claimed invention from the Leebeeck (US 5,595,363) reference without first having read Applicant's application.

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In view of the remarks herein, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action and issuance of a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,



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Attachments